

CITY COMMISSION MINUTES

December 1, 2009

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, December 1, 2009 with Mayor Terry Heldstab presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Rod Barnes, Assistant City Manager Mike Guinn, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

GENERAL DISCUSSION

Sandy Koppenheffer, 300 Gulf Drive, Junction City, KS addressed the Commission regarding property acquisition by the City at 1510 N. Clay in 2004. Commissioner Johnson stated that he was tired of the government taking property from people. Preola Briggs stated that money was lost in the sale of this property; they were required to move and destroy their trailers.

CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Talley to approve the Consent Agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **November 17, 2009**, City Commission meeting minutes; approval of the November 10, 2009 Special City Commission meeting minutes; approval of the November 17, 2009 Special City Commission meeting minutes; approval of the November 20, 2009 8:00am Special City Commission meeting minutes; approval of the November 20, 2009 10:00am Special City Commission meeting minutes; approval of the November 20, 2009 1:00pm Special City Commission meeting minutes; approval of the November 21, 2009 Special City Commission meeting minutes.
- b. The consideration of **Appropriation Ordinance** dated Nov. 7 to Nov. 24 in the amount of \$642,177.79.
- c. The consideration and approval of **R-2577** and to set a public hearing date of January 5, 2010 regarding condemnation of 305 N. Madison St.
- d. The consideration and approval of **R-2579** and to set a public hearing date of January 5, 2010 regarding the condemnation of 1220 N. Eisenhower Drive.

- e. The consideration and approval of **R-2578** and to set a public hearing date of January 5, 2010 regarding condemnation of 538 W. 12th Street.
- f. The consideration and approval to **Request Bids for the Sewer Extension to 2120 Old Highway 40.**
- h. The consideration and approval for **Pay Estimate #2** in the amount of \$200,596.80 by Konza Construction for work on the Freeman Field Runway 18/36 Overlay Project through November 20, 2009.
- i. The consideration and approval of final **Pay Estimate #8** by Ebert Construction Co., Inc. in the amount of \$16,644.81 for the Spring Valley Rd. – Fox Sparrow Court to Sutter Woods Rd. project for construction services through November 10, 2009. This project is 100% complete as of this Pay Estimate.
- j. The consideration and approval for **Pay Request** by Hi-Plains Sand, Inc. in the amount of \$22,790.50 for Chip Sealing various parking lots in Junction City.
- k. The consideration and approval of the Grant of Permanent Right-of-Way at **1103 West 8th Street** from John C. and Kathleen S. Triplett for the Safe Routes to School project.
- l. The consideration and approval of **Payroll #23 and #24** and the 2009 Longevity for the month of November 2009.

SPECIAL PRESENTATIONS

Discussion of the 2009 budget. **City Manager Barnes Presenting.** City Manager Barnes stated that it has been a very difficult year regarding cash flow. Overall revenues stayed ahead of expenditures. The City is where it was expected to be at this point.

YOUTH COMMISSION COMMENTS

Jennifer Landis spoke for the Youth Commission and presented seven fellow youth who wished to serve as Youth Commissioners. The group was sworn in to serve the City as Youth Commissioners. Mayor Heldstab made the comment that he appreciates those who decided to serve as Youth Commissioners.

UNFINISHED BUSINESS

The consideration and approval of Ordinance G-1061 changing the definition of "Dealers in Second-Hand Electrical Equipment and

Recordings" in the Junction City Municipal Code. (Final Reading) Chief Brown Presenting. Commissioner Taylor moved, seconded by Commissioner Johnson to approve Ordinance G-1061 on final reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried

Presentation of the 2008 audit. City Manager Barnes Presenting. City Manager Barnes presented the audit to the City Commission. Mark Rogers of Varney & Associates stated that in his management letter he reported that the City was under staffed regarding the audit. There were a few mistakes as a result. Mark Rogers wanted the Commissioners to know that though under staffed, the City staff provided receipts in a timely manner. Commissioner Taylor asked Mark Rogers why Varney & Associates decided not to bid on auditing services. Mark Rogers responded that he thought it was time for a change, and there is a need for the appearance of an independent audit.

The consideration and approval of award of bid for a one year audit proposal to Berberich Trahan & Co. P.A. of Topeka, Kansas. City Manager Barnes Presenting. City Manager Barnes reported that Berberich & Trahan would accept a 1 year contract. The firm will bill for duties required. The contract can be changed in the future as there is the possibility of a lower audit cost in the near future. City Manager Barnes explained that it will take some time for the new auditor to create operating files. Rhodes stated that it would be nice for the City to retain some continuity. Commissioner Rhodes moved, seconded by Commissioner Johnson to approve award of bid for a one year audit proposal to Berberich Trahan & Co. P.A. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried

NEW BUSINESS

The consideration and approval of Policy Resolution PR-10-01 for proposed pay grades with minimum wages and maximum wages for each grade and to request a two percent Cost of Living Adjustment (COLA) for 2010 non-union City employees with the exclusion of the position City Economic Development Director. Administrative Services Director Gowen Presenting. Administrative Services Director Gowen stated that a Policy Resolution of this type is approved every year to set minimum and maximum pay amounts for pay grades; 170 employees are included in the change. Commissioner Johnson asked if this change was considered for the 2009 budget. Administrative Services Director Gowen replied that the change was discussed, approved and funded in the 2009 budget.

The consideration and approval of Ordinance S-3072 amended **development agreement with Mike Rice** for the use of a community

improvement district for the Goody's Plaza development. City Attorney Logan explained that the ordinance would do two things. First, it would create the Goody's Plaza CID. Second, it would create a CID policy for the City. Commissioner Johnson Asked City Attorney Logan how much money City would keep for administrative costs. City Attorney Logan stated that the City would keep 2% for administrative costs. Mike Rice told the City Commission that phase II of his development plan would begin as the economy dictates. Commissioner Taylor stated that he would like to see a date set for phase II to begin; the owner could ask for a CID again at a later date for phase II. City Attorney Logan mentioned that if the owner did not use the collected funds for phase II, the project dollars would return to the taxing entities. Commissioner Johnson asked if there were a required or recommended number of audits for a CID. City Attorney Logan suggested that there should be an annual audit to be conducted with the City audit. Mike Rice mentioned that his company already conducts a sophisticated audit; the results are provided to those tenants who ask for the information. Commissioner Talley agreed with Commissioner Taylor but wanted to point out that phase II would need to be carried out within 22 years; the length of time allowed by state law. Commissioner Rhodes stated that he will abstain from this vote due to his relationship with Embarq. Commissioner Johnson moved, seconded by Commissioner Taylor to approve Ordinance S-3072 on first reading. Ayes: Heldstab, Johnson, Talley, Taylor. Nays: None. Abstention: Rhodes. Motion carried

The consideration and approval to authorize the golf course staff to adjust the current Tournament Green fees, Twilight Green fees, Golf Car Rental fees and Daily Trail fee. Jeremiah Carter Presenting. Jeremiah Carter presented to the Commission a list of services provided by Rolling Meadows that could be increased. Commissioner Johnson asked Jeremiah Carter how the trend of lower revenues can be changed. Jeremiah Carter stated that as the economy has slowed so have revenues at Rolling Meadows. Playing golf is a luxury item that is particularly impacted by down trends in the economy. City Manager Barnes stated that the strategy at Rolling Meadows had changed in the past from low membership high fees to high membership with low fees; also Rolling Meadows just finished new deck with next improvements to be windows and siding. Commissioner Taylor asked if Rolling Meadows really had an Advisory Board. Jeremiah Carter responded that yes there is an advisory board; the staff receives feedback from the board. Commissioner Taylor would like to see a board that provides more oversight; advisors with business acumen. City Manager Barnes stated that he believes the Advisory Board has that capacity now. Commissioner Taylor stated that he disagrees. Commissioner Taylor moved, seconded by

Commissioner Rhodes to authorize the golf course staff to adjust the current Tournament Green fees, Twilight Green fees, Golf Car Rental fees and Daily Trail fee Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried

The consideration and approval to purchase Police Department Special Service Vehicle for \$52,420. Funding for this vehicle is available from the COPS FY2009 Technology Program Grant. Chief Brown Presenting. Mayor Heldstab asked for the age of the vehicle. Chief Brown responded that the vehicle is 1991, but only has 10,000 miles. Commissioner Taylor asked when the vehicle would be available to the City. Chief Brown said that if approved the City would have the vehicle in two weeks. Commissioner Taylor moved, seconded by Commissioner Rhodes to approve purchase of Police Department Special Service Vehicle for \$52,420. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried

COMMISSIONER COMMENTS

Commissioner Talley announced that the Economic Development Commission had met regarding changes to the Neighborhood Revitalization Program. The board received good feedback from the community. He mentioned that meetings will also be held on December 8, 2009 & December 15, 2009 both scheduled for 3:00 PM. Commissioner Talley asked if "for sale" properties have been posted on the City's website. City Manager Barnes stated that the issue would be addressed during his staff comments time.

Commissioner wanted to thank everyone who helped with the parade on Friday Night.

Commissioner Taylor wanted to send condolences to the Foust family.

Commissioner Johnson stated that there were not enough people participating in the NRP discussion. There needs to be more public input if taxes are going to be lowered.

Mayor Heldstab announced that the first rounds of interviews for the City Manager position were completed. The City will invite back for a second round of interviews Mark Rooney on December 11, 2009, and Jerry Vernon on December 14, 2009. The City will be able to meet the candidates from 7-8pm at locations yet to be determined.

STAFF COMMENTS

City Manager Barnes stated that there is a Legislative Dinner scheduled for 6:30 PM on Monday December 7, 2009 at the Opera House. City Manager Barnes

wanted to thank Ed Lazear for the work on park lights for the City. The Police Chief position has not been filled and will open again to applicants in the near future. The City is in the process of placing for sale signs at City properties that are for sale. Mayor Heldstab asked if the old waterbed store was being advertized. City Manager Barnes responded that that location was going to be auctioned.

Katie Logan announced that BKD is nearly finished with their report and will likely be ready to present in January, 2010.

EXECUTIVE SESSION

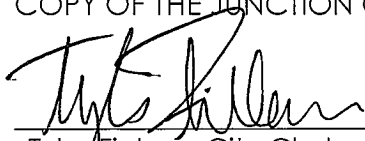
For the purpose of attorney client privilege, not to exceed 15 minutes. Session will include City Commission, City Manager, Assistant City Manager, and City Attorney. Commissioner Rhodes moved, seconded by Commissioner Talley to adjourn into executive session at 8:50 PM not to exceed 15 minutes. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Commissioner Rhodes excluded himself from the discussion. Commissioner Taylor moved, seconded by Commissioner Talley to reconvene into regular session at 9:05 PM having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

For the purpose of purchase of property, not to exceed 10 minutes. Session will include the City Commission, City Manager, Assistant City Manager, and City Attorney. Commissioner Rhodes moved, seconded by Commissioner Talley to adjourn into executive session at 9:06 PM not to exceed 10 minutes. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Commissioner Talley moved, seconded by Commissioner Johnson to reconvene into regular session at 9:16 PM having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Taylor to adjourn at 9:17 PM Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 15th DAY OF DECEMBER 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR DECEMBER 1, 2009.


Tyler Ficken, City Clerk


Terry Heldstab, Mayor